

A regular meeting of the Board of Selectmen was held on August 11, 2011, 6:30 p.m., in the Francis O'Brien Meeting Room, Town Office Building, 26 Bryant Street, Dedham, Massachusetts. Present were:

James A. MacDonald  
Carmen Dellolacono  
Michael L. Butler  
Sarah E. MacDonald  
Paul A. Reynolds

Mr. MacDonald called the meeting to order at 6:30 p.m.

#### **DEDHAM CITIZENS' OPEN DISCUSSION**

Sam Celata, resident, 42 Stoughton Road, asked permission to speak with the Board. Mr. MacDonald granted permission. Mr. Celata asked if he could speak to the Board relative to Citizen Charles concerns. Mr. MacDonald referred Mr. Celata to William Keegan, Town Administrator, for action.

Tom Kirshner, resident, Doggett Circle, asked permission to speak with the Board. Mr. MacDonald granted permission. Mr. Kirshner had concerns relative to McGolf. Mr. Kirshner went on to say that he has not heard anything back from the McGolf attorney. He asked the Board if they have received an update from the owners relative to the golf ball matter. Mr. MacDonald asked Mr. Kirshner to leave his telephone number with Mr. Keegan and he will look into this matter further. Mr. Kirshner also had concerns with the Dedham Housing Authority. Mr. MacDonald referred him to Joanne Toomey, Housing Director, for follow-up.

\*\*Prior to the start of the following Liquor-related hearing matters, Mr. MacDonald recused himself and left the Francis O'Brien Meeting Room. Mr. MacDonald did not participate in the discussion. Mr. MacDonald did not vote on these matters.

In order to conduct the hearings, Mr. MacDonald handed over the chair to Selectmen Carmen Dellolacono, Vice-Chairman.

#### **PUBLIC HEARING – REQUEST FOR WINE AND MALT LICENSE, DEDHAM HOUSE OF PIZZA, 376 WASHINGTON STREET**

Representing Dedham House of Pizza were: Attorney Kevin Hampe, Winbourne, Hampe & Sheehan, 411 Washington Street, Dedham, MA, and Maria Panagopoulos, Owner/Manager.

For the record, the following is a memorandum relative to Dedham House of Pizza was submitted by Attorney Hampe:

#### ATTORNEY HAMPE MEMORANDUM

\*\*Archaias Food Service, Inc., D/B/A Dedham House of Pizza is a Massachusetts corporation with an address of 376 Washington Street, Dedham, Massachusetts. They are petitioning the Board of Selectmen of the Town of Dedham for the issuance of a Wine & Malt Restaurant License for their restaurant at 376 Washington Street, Dedham Massachusetts. Notice of the hearing was given in accordance with the statutory requirements of the Massachusetts General Laws and the Town of Dedham Rules and Regulations with notice to the abutters of the property and publication in the Dedham Times. See Petitioners affidavit of notice filed herewith and the certified receipts.

The Petitioners presently lease 1450 square feet of space from Markarios Series LLC which is located in Dedham Square. Their family business has been at that the present location since 1996 and prior to that time Andreas Panagopoulos worked and managed the restaurant at the same location since 1984. Recently the Petitioners made a decision to keep their business in the square and signed a new five year lease for the property which also has two five year options to extend. They also have made a financial investment in the premises by recently completing a major renovation which included new equipment, tables, counters and freezers, costing approximately 530,000.00.

The principal officers and only shareholders of the corporation are Andreas Panagopoulos and Maria Panagopoulos, who have lived at 7 Margaret Road, Dedham, MA since 1994. The Petition requests Maria Panagopoulos to be the named manager on the new license. She and her son George Panagopoulos who also works at the restaurant are both TIPS certified. They both are familiar with the Rules and Regulations for Alcoholic Licenses in the Town of Dedham. The Petitioners intend to have all employees who sell to the public be TIPS certified as well. The restaurant presently has seven full time employees and four part time employees. The restaurant is open seven days a week from 10A.M. to 10: 30 P.M. The restaurant serves a full menu of dinners, pizza, salads, sandwiches etc.

The Petitioners have received numerous requests for beer and wine from their customers who have dinner at the restaurant. On Thursday, Friday and Saturday nights the dinner business at the restaurant increases with the various activities taking place in the square. With the addition of a beer and wine restaurant license, the Petitioners hope to be able to increase their own business and also attract new customers to the square by providing this amenity to the general public, and, therefore, the Petitioner respectfully requests the Board of Selectmen to grant the petition for a Wine and Malt Restaurant License. (The above- mentioned memo along with supporting documents are located in the licensee's file located in the Town Administrator's Office.)

Attorney Hampe informed the Board that Mr. & Mrs. Panagopoulos have signed a new five-year lease with the landlord, Perry Makarios, with two additional five-year options. Attorney Hampe went on to say that Andy and Maria Panagopoulos would really like to stay in Dedham Square. Additionally, they have made complete major renovations to the space. Attorney Hampe informed the Board that the officers of the corporation are Andy and Maria Panagopoulos-- Maria will be listed as the Manager of Record on the Liquor License. Additionally, Maria will be working at the restaurant more than fifty hours per week, she is TIPS Certified and also her son, George, and all the other employees who will be serving the alcohol.

Mr. Butler asked Mrs. Panagopoulos if she or anyone on the application have experience dealing with alcohol. Mrs. Panagopoulos responded, no experience. Mr. Butler proceeded to ask her how she would serve people who she thought were under age. Mrs. Panagopoulos responded that she would card anyone who she believed was under the age of thirty years old. She will also bring in equipment to scan the ID's. Mr. Butler asked her who she thought will be buying the alcohol. Mrs. Panagopoulos informed him that most likely customers shopping in Dedham Square or attending a movie at the Dedham Community Theater.

Ms. MacDonald informed all that she appreciated the fact that Dedham House of Pizza was staying in Dedham Square. Ms. MacDonald asked if the 30% factor of eat-in customers has increased. Mrs. Panagopoulos responded that there was a little increase. Ms. MacDonald asked the number of seats in the restaurant—Mrs. Panagopoulos responded 34 seats. Ms. MacDonald asked her if there will be changes to the present menu. Mrs. Panagopoulos responded, no. Mrs. MacDonald asked Mrs. Panagopoulos if there is a need for alcohol considering 70% of their business is take out. Attorney Hampe clarified with Mrs. Panagopoulos that he was under the impression 50% of their customers eat inside the restaurant. Mrs. Panagopoulos responded, yes, and corrected her early comment of 30%.

Mr. Reynolds appreciated the investment Dedham House of Pizza made at their establishment and was very pleased that they are staying in Dedham Square. Mrs. Panagopoulos noted Kouzina's Restaurant, which is another small, family establishment in Dedham Square, and the fact that Kouzina's business has increased with the sale of beer and wine.

Mr. Reynolds asked what type of experience Mrs. Panagopoulos has with liquor. He commented that being the Manager of Record comes with big responsibilities. Mr. Reynolds asked the type of training she has gone through for this position. Mrs. Panagopoulos informed all that she is TIPS Certified and she

has spoken with other merchants and business people in the liquor industry. Attorney Hampe added that Dedham House of Pizza is a family-run business, the family lives in the Town and they want to run a quality operation. Attorney Hampe also brought up the fact that the Police Station is directly across the street from the restaurant. Attorney Hampe went on to say that although Maria does not have the experience now, the family puts their heart and soul into the business and will take receiving a Wine and Malt License very seriously.

Mr. Reynolds could understand the motivation behind the Dedham House of Pizza request for Wine and Malt, given the fact that their establishment is competing with Legacy Place. Mr. Reynolds felt that clustering the Liquor Licenses will bring in business to all.

Mr. DelloIacono liked that fact that Dedham House of Pizza was a family business. He commented that he thought requesting the Wine and Malt License was a smart move for the business. Mr. DelloIacono had concerns with serving of minors. He went on to say that he will request, as a condition, that Mrs. Panagopoulos seek ID scanning advice.

Mr. DelloIacono asked Mrs. Panagopoulos if the Liquor License request was a matter of survival. Mrs. Panagopoulos responded, no. She went on to say that they just wanted to increase their business and keep people coming into Dedham Square.

Mr. DelloIacono informed all that he did a site visit to Dedham House of Pizza with her son, George. Mr. DelloIacono informed all that everything was to his satisfaction and that he was very pleased that the restaurant is still located in Dedham Square. Mr. DelloIacono asked Mrs. Panagopoulos if there will be an increase in the hours of operation. Mrs. Panagopoulos responded, no. Mr. DelloIacono asked her how many hours she plans to be at the restaurant. Mrs. Panagopoulos responded 50 hours per week, seven days per week. Mr. DelloIacono asked, besides her and George, who else is TIPS Certified. Mrs. Panagopoulos informed him that anyone who sells alcohol will be TIPS Certified.

At this point of the hearing, Mr. DelloIacono opened it to the public and asked if anyone wished to speak relative to this request.

For the record and on behalf of Dedham Square Circle, Amy Haelsen, Executive Director, submitted a letter to express their organization's support for Dedham House of Pizza's application for a Beer and Wine License. (Full text of the letter can be found in the licensee's file located in the Town Administrator's Office.)

Michael Columbo, 541 High Street, asked permission to speak. Mr. DelloIacono granted permission. Mr. Colombo informed all that he is a frequent customer at Dedham House of Pizza and that he enjoys going to a restaurant that does not serve alcohol. Mr. Columbo went on to say that many children come into the restaurant—he had concerns with the set-up of the space given the fact that it is a Pizza Shop. He commented that he will not be happy if he sees kids drinking alcohol in the establishment. Mr. Columbo did not like the alcohol idea. In response to the Legacy Place comparison, Mr. Columbo commented that Dedham Square is not Legacy Place and people who visit Legacy Place will not go to Dedham Square. Mr. Columbo informed all that he felt Dedham Square was cozy and for regular families. Additionally, Dedham Square has plenty of Liquor Licenses and there is no need for more.

Joe Findlen, resident Central Avenue, District Four Chairman asked permission to speak. Mr. DelloIacono granted permission. Mr. Findlen appreciated that fact that the Panagopoulos Family will continue to stay in Dedham Square. Mr. Findlen felt comfortable with the request due to the fact that this is a family-run business and they will be watching. Mr. Findlen was supportive and thought the license would be great for Dedham Square. Michael Lamberdini, resident, agreed with Mr. Findlen and was pleased that Dedham House of Pizza was a family restaurant.

Ms. MacDonald made a motion to close the Public Hearing; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; and Mr. DelloIacono, yes. (Mr. MacDonald did not take part in the discussion and did not vote on this matter.)

Mr. Butler made a motion to approve a Wine and Malt Common Victualler's License to Dedham House of Pizza with the condition that the license be returned to the Town if the business leaves in five years and that the business install an ID Scanning Device; seconded by Mr. Reynolds. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, no; Mr. Butler, yes; and Mr. DelloIacono, yes. (Mr. MacDonald did not take part in the discussion and did not vote on this matter.)

Mr. Butler made a motion to approve Maria Panagopoulos, Manager of Record; seconded by Mr. Reynolds. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; and Mr. DelloIacono, yes. (Mr. MacDonald did not take part in the discussion and did not vote on this matter.)

## **VIOLATION HEARING –EAST DEDHAM LIQUORS, 258 BUSSEY STREET**

**Representing East Dedham Liquors was:** Robert Renzi, Owner/Manager

**Representing the Dedham Police Department were:** Sgt. Michael Buckley, Alcohol Officer, Lt. Clifford Pascal, Officer Paul Crump, Officer Robert Dietenhofer, Sr. and Chief Michael D'Entremont

Nancy Baker, Asst. Town Administrator swore in Mr. Renzi and all others presenting testimony at the hearing. For the record, Mr. Renzi was not represented by his own personal counsel.

Sgt. Buckley read excerpts of the Police Report relative to an incident that took place at East Dedham Liquors, 258 Bussey Street, on June 15, 2011, at approximately 6:50 p.m., --Sale of Alcohol to an intoxicated person (A complete copy of the Police Report can be found in the East Dedham Liquor file, Town Administrator's Office). Sgt. Buckley informed the Board that the person in question was taken under protective custody. Lt. Pascal placed in a jail cell at the Dedham Police Station. He went on to say that this person was uncooperative during the booking, extremely intoxicated and should not have been served.(The complete Police Report can be found in the East Dedham Liquors File, Town Administrator's Office). Mr. Renzi stated that he agreed with the report and accepts the facts as they were laid out.

Mr. Renzi further explained that the person in question purchased four nips and downed two. Additionally, he did not purchase beer. Mr. Renzi further commented that upon review of the surveillance film, he noted that the person in question was not unsteady on his feet when he downed the nips.

Mr. Butler asked Mr. Renzi how much alcohol is in a nip. Mr. Renzi replied, 50 miligrams (one shot). Mr. Bulter went on to say that between 6:03 p.m. and 6:18 p.m. the person in question could have downed two shots. Mr. Butler thought that the customer looked steady on his feet in the surveillance film; however, he did purchase four nips, was steady on his feet in the establishment and then fifteen minutes later was arrested by the police.

Ms. MacDonald asked Mr. Renzi if the person in question was a steady customer at the store. Mr. Renzi informed her—not any more. Ms. MacDonald asked Mr. Renzi if the person in question had any behavior out of the ordinary. Mr. Renzi informed her that the person was a good walker, kind of a weird guy, hits on women and tells people he will beat them up. Ms. MacDonald commented that she watched the surveillance film and it was a bit fuzzy.

Mr. Reynolds asked the officers how they would define the violation. Sgt. Buckley informed him that the person was intoxicated and service was made. Additionally, the violation occurred after service was made. He went on to say that the police believe that the person in question was, in fact, intoxicated. Lt. Pascal added that he also looked at the surveillance film and on the film, he looked fine; however, this was not same at the Police Station. Relative to training certification, Sgt. Buckley informed all that it is not mandatory that Package Store employees be TIPS/alcohol- trained certified.

Mr. DelloIacono felt that something should have clicked with the staff considering that this person was a regular customer who came into the establishment. Additionally, Mr. DelloIacono was upset with what the person in question did at the Police Station and thought that the employee working at the store that evening should have picked up that the person in question was intoxicated.

Both Mr. Reynolds and Mr. DelloIacono informed all that they also reviewed the East Dedham Liquor Store film of the person being served. Mr. DelloIacono asked if the employee in the film was TIPS certified. Mr. Renzi responded that he was not certified. Mr. DelloIacono went on to say that he agreed with Mr. Butler and thought the person in question looked fine on the film; however, he was concerned with the officers' statement that the person in question smelled like alcohol. Mr. DelloIacono thought that Mr. Renzi's staff should all be trained, especially relative to the smell of alcohol.

Mr. Butler commented that the officers determination was that the person in question was intoxicated walking around the parking lot of the building. He went on to say that having looked at the film and speaking with the owner, the conditions inside the store were different than outside the store.

Mr. Reynolds commented to Mr. Renzi that there are consequences relative to violations. Mr. Reynolds asked Mr. Renzi if he felt he has received a fair hearing. Mr. Renzi responded, yes. Mr. Reynolds asked Mr. Renzi if he had anything else to offer. Mr. Renzi responded, no. Sgt. Buckley informed the Board that since the time of the incident, he has spoken with Mr. Renzi and some changes have been put in place at the store so this will not happen again. Sgt. Buckley went on to say that Mr. Renzi has been very cooperative and has gone over and above to comply with the suggestions made by the Police Department.

Ms. MacDonald made a motion to close the Public Hearing; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; and Mr. DelloIacono, yes. (Mr. MacDonald did not

take part in the discussion. Mr. MacDonald did not vote on this matter.)

Mr. Butler made a motion to find that the licensee did violate M.G.L. Chapter 138, Section 64A, and Sections 15 and 22 of the Rules and Regulations for Holders of Alcoholic Beverage Licenses in the Town of Dedham (Sale of alcohol to an intoxicated person) on June 15, 2011; seconded by Ms. MacDonald.

**On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; and Mr. DelloIacono, yes. (Mr. MacDonald did not take part in the discussion. Mr. MacDonald did not vote on this matter.)

Mr. Butler made a motion to issue a warning to E.D. Liquors, Inc., d/b/a East Dedham Liquors, 258 Bussey Street, Dedham, MA; seconded by Ms. MacDonald. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; and Mr. DelloIacono, yes. (Mr. MacDonald did not take part in the discussion. Mr. MacDonald did not vote on this matter.)

### **VIOLATION HEARING – EAST DEDHAM LIQUORS, 258 BUSSEY STREET**

**Representing East Dedham Liquors was:** Robert Renzi, Owner/Manager

**Representing Dedham Police Department were:** Sgt. Michael Buckley, Alcohol Officer and Chief \, Lt. Clifford Pascal, Chief Michael D'Entremont

Nancy Baker, Asst. Town Administrator, swore in Mr. Renzi and all others giving testimony at the hearing. For the record, Mr. Renzi was not represented by his own personal counsel.

Mr. DelloIacono asked Mr. Renzi if he agreed with the Police relative to the incident that took place on July 8, 2011, at approximately 9:21 p.m. (Sale of alcohol to a person under the age of twenty-one). Mr. Renzi responded, yes. (A complete copy of the Police Report can be found in the East Dedham Liquor file, Town Administrator's Office.) Sgt. Buckley informed the Board that the East Dedham Liquor employee stated to Lt. Pascal that he sells a lot of 30 beer packs. Additionally, the person in question was carded before. Sgt. Buckley informed the Board that the individual in question was in possession of his brother's ID and it was provided at the time of sale. Additionally, both brothers do not look alike. Mr. DelloIacono asked Mr. Renzi if the clerk that made the sale in this incident was the same clerk relative to the previous incident. Mr. Renzi responded, yes.

Mr. Butler commented that the surveillance film in this incident does not show the clerk checking the ID. Ms. MacDonald added that the film was very clear and the person visibly looked young. Mr. DelloIacono had concerns with the involvement of the same clerk relative to both incidents. He commented to Mr.



Renzi that there might be an issue with his clerk and asked Mr. Renzi to consider training for the clerk. Mr. Renzi informed all that the customer had a Military I.D. and his scanner only scans licenses.

Mr. DelloIacono asked Mr. Renzi if he felt he received a fair hearing. Mr. Renzi responded, yes. Mr. DelloIacono asked him if he had anything else to add. Mr. Renzi had no other response.

Ms. MacDonald made a motion to close the Public Hearing; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; and Mr. DelloIacono, yes. (Mr. MacDonald did not take part in the discussion. Mr. MacDonald did not vote on this matter.)

Mr. Butler made a motion to find the licensee did violate M.G.L. Chapter 138, Section 64A and Sections 15 and 23 of the Rules and Regulations of Holders of Alcoholic Beverage Licenses in the Town of Dedham (Sale of alcohol to a person under the age of twenty-one) on July 8, 2011; seconded by Ms. MacDonald. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; and Mr. DelloIacono, yes. (Mr. MacDonald did not participate in the discussion. Mr. MacDonald did not vote on this matter.)

Mr. Butler made a motion to suspend the All Alcoholic Package Store License issued to E.D. Liquors, Inc. d/b/a East Dedham Liquors, 258 Bussey Street, Dedham, MA, for a period of three (3) days; commencing on Monday, August 22, 2011, Tuesday, August 23, 2011 and Wednesday, August 24, 2011; seconded by Mr. Reynolds. (Mr. MacDonald did not take part in the discussion. Mr. MacDonald did not vote on this matter.)

At the conclusion of the hearing, Sgt. Buckley informed all that in the near future, the Dedham Police Department will be conducting a sting operation—Cops in Shops.

Mr. Butler made a motion to take an item out of order from this evening's agenda; seconded by Ms. MacDonald and voted unanimously.

### **RECOGNITION OF BOSTON POLICE DETECTIVE MICHAEL KANE**

On behalf of the Board, Mr. MacDonald introduced and welcomed Detective Kane and his family and friends. The Board of Selectmen then proceeded to present Detective Kane with a special recognition plaque for heroic actions relative to an incident that took place in the Oakdale Square section of Dedham.

Dedham Police Chief, Michael D'Entremont re-capped the incident that occurred on June 27, 2011, in Oakdale Square. He went on to say that on Monday, June 27, 2011, at approximately 8:30 p.m., Detective Kane of the Boston Police Department was in the Oakdale Square area of Dedham with family members. Detective Kane observed an individual that was dressed and acting in a suspicious manner. Detective Kane parked in a location that allowed him to observe this individual while a family member called the Dedham Police to report what was being observed and provide a description of the suspicious person. When the suspect entered a convenience store, Detective Kane proceeded to provide his clothing description to the dispatcher and moved to the entrance area of the store to observe what was going on. Detective Kane entered the store and observed money flying around. Detective Kane drew his firearm. Detective Kane ordered the suspect, who was now walking towards the exit to stop, to drop the knife that was brandished by the suspect while the suspect ordered the store clerk to open the cash drawer from behind the checkout counter and lay on the floor. The suspect continued towards Detective Kane. Detective Kane repeated his commands and the suspect complied. Dedham officers arrived and the suspect was taken into custody and charged with armed robbery.

Detective Kane thanked the Board of Selectmen, members of the Police Department, Dispatcher and Store Clerk. Detective Kane thanked his wife for calling 911. He went on to say that he was nervous thinking what could happen; however, all went well. Kelly Nee, Deputy Superintendent, Boston Police Department and Nora Vasta, Department Supervisor, Boston Police Department, who were in attendance, thanked the Town of Dedham and commented that they were glad a member of the Boston Police Department could help. On behalf of the community, the Board of Selectmen expressed their appreciation and thanked Detective Kane for his bravery and service to the Dedham community.

**PUBLIC HEARING – REQUEST FOR WINE & MALT RESTAURANT LICENSE, PARADISE CAFÉ, 656 HIGH STREET**

Prior to hearing discussion, Mr. MacDonald recused himself and left the Francis O'Brien Meeting Room.

Representing Paradise Café was: Ali Koushan, Owner

Mr. Koushan introduced himself. He informed all that he established his business in Dedham Square in 1998 and has been in business for fourteen years—nine years as a video store and five years as a food establishment. He went on to say that he recently stopped his video business and is now only a food establishment. Mr. Koushan explained to the Board that his customers have been asking him if he can serve beer and wine and he is here this evening with the request.

Mr. Butler asked Mr. Koushan the seating capacity of the establishment. Mr. Koushan informed him that he is permitted to have 32 seats. Additionally, he is not thinking of adding any more—maybe down the road. Mr. Butler asked Mr. Koushan the makeup of his clientele. Mr. Koushan responded that his establishment is a food business with older, regular customers. Mr. Butler asked if there will be any changes to the business on Thursdays, Fridays and Saturdays. Mr. Koushan explained that people coming out to his establishment will ask every time when he is closing if he serves beer and wine. When he says, no, the customers walk away. Mr. Butler asked Mr. Koushan if he has experience with liquor. Mr. Koushan responded, no—just food for the past three years. Mr. Butler asked if Mr. Koushan has taken Alcohol Training classes. Mr. Koushan informed him that he has spoken with Sgt. Buckley and he advised him to contact him after the Board approves the license and he will set him up with TIPS training.

Ms. MacDonald asked Mr. Koushan to talk about the menu and changes. Mr. Koushan commented that he will be selling numerous items on his menu. Ms. MacDonald asked Mr. Koushan the percentage relative to in-house food orders and take-out orders. Mr. Koushan responded 85/90% sell in-house and the rest is to go. Ms. MacDonald asked if there will be changes relative to ordering food at counter and taking it back to the tables. Mr. Koushan responded, no change.

Mr. Reynolds thanked Mr. Koushan for all the work he has done in Dedham Square. Mr. Reynolds asked him how much space he has at the restaurant. Mr. Koushan responded, 3,000 sq. feet. Mr. Koushan went on to say that a few years back he spent a quarter of a million dollars to renovate and warm up the space to that it will look nice.

Mr. Reynolds commented on his large space and the pressure to do something different. Mr. Reynolds asked Mr. Koushan the busy times at the restaurant. Mr. Koushan responded lunch and dinner. Mr. Reynolds mentioned the Yoga Now Studio behind his space and asked if the Yoga Studio has exit/entrance at their space. Mr. Koushan responded that during business hours, both share the bathroom in the hallway and can enter the Yoga Studio through his restaurant. Mr. Reynolds asked Mr. Koushan how long he has been in business at this location. Mr. Koushan responded—Fourteen years—started serving food three years ago. Mr. Koushan went on to say that he would like to go fully to a food establishment; and if the license is approved, 15/20 percent of the business might go toward alcohol. Going forward, Mr. Reynolds suggested doing something with the remaining unused space—he thought every inch of the space should be utilized to create revenue for the business. Mr. Reynolds asked Mr.

Koushan the current seating capacity. Mr. Koushan informed him 32 chairs—Presently, he has 24 chairs on the floor.

Mr. DelloIacono asked Mr. Koushan for a Business Plan and what direction he will go. Mr. DelloIacono asked Mr. Koushan if he lived locally. Mr. Koushan informed him that he lived in Boston. Mr. Koushan went on to say that down the road, he might hire another full or part-time manager. Mr. Koushan informed Mr. DelloIacono that he is at the restaurant all of the time. Mr. DelloIacono asked him if he will change the hours of operation. Mr. Koushan responded that he will see what happens going forward. Additionally, if he does change the hours of operation, he will notify the Board. Mr. DelloIacono commented on the nice food menu Mr. Koushan presented to the Board.

Ms. MacDonald asked Mr. Koushan a question relative to the coolers. Mr. Koushan informed her that he will lock the coolers and door. Ms. MacDonald asked him to explain his situation relative to the Yoga Now Studio in the back. Mr. Koushan informed her that there is a legal building in back on the entrances—they have their own door.

Mr. DelloIacono opened the Public Hearing for questions from the audience.

Michael Columbo, 541 High Street (Abutter) had the following concerns:

**\*\*Concern—**Town currently allows Paradise Cafe to have public outdoor seating. His issue was taking outdoor service to the outside seating area if the Liquor License is approved.

**\*\*Concern—**Mr. Columbo had concerns with the fact that the back egress had an un-vetted access to go to the back area. He informed the Board that his home abuts the Kikiyama back lot and this area was a right of way/ Fire Lane. Additionally, the back of the Paradise Café restaurant abuts the back of Kikiyama. Mr. Columbo was concerned with the two pouring licenses abutting and he asked the Board what will happen if there are issues with the establishments/patrons.

**\*\*Concern—**Mr. Columbo had concerns with the fact that there are two businesses located within the one space (Paradise Café and Yoga Now)—He asked how Ali (Owner) will monitor this unique situation so that patrons from his establishment and (Yoga Now) won't be able to go from his licensed liquor location to the other (Yoga Now).

**\*\*Concern—**Mr. Columbo had concerns with the Kikiyama's Right of Way in back of restaurant—he mentioned that in the past, Town Counsel raised concerns with this area.

**\*\*Concern—**Will not know whose who--What patrons are in each establishment.

Henri Gough, Business Owner/Total Image, Dedham—Mr. Gough complimented and supported Mr. Koushan. He informed the Board that Mr. Koushan is a wonderful business person who has done great

things in Dedham Square. He went on to say that Mr. Koushan is a credible guy; however, he needs to work on his Business Plan. Mr. Gough went on to say that he would just like to see a level playing field, given the fact that the Board has issued many new Liquor Licenses in Dedham Square. Mr. Gough wanted to make sure that the Board was not discriminating and asked that consideration be given to Paradise Café.

Joe Findlen, Chairman, Precinct 4—Mr. Findlen thought approval of this license would help business overall in Dedham Square. He supported and complimented Mr. Koushan.

Mr. Dellolacono asked Mr. Koushan if he felt he received a fair hearing. Mr. Koushan responded, yes.

Ms. MacDonald made a motion to close the Public Hearing; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; and Mr. Dellolacono, yes. (Mr. MacDonald did not take part in the discussion. Mr. MacDonald did not vote on this matter.)

Ms. MacDonald made a motion to take this matter under advisement until their meeting of September 8, 2011, in order for Mr. Koushan to provide the Board with \*further information; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; and Mr. Dellolacono, yes. (Mr. MacDonald did not participate in the discussion. Mr. MacDonald did not vote on this matter.)

\*The Board asked for the following information: Clarification of 2<sup>nd</sup> business in establishment, Kikiyama Right of Way in back. The Board asked for an opinion from Town Counsel.

#### **RECOGNITION OF CAL RIPKIN 10'S TEAM**

The Board of Selectmen presented members of the Cal Ripkin 10's Team and their coaches with Certificates of Recognition relative to their outstanding championship year. Coach Shawn Nosky thanked the Board of Selectmen for the invitation this evening. He informed all that this team was the same team as last year and they carried it through again, this year, to a championship. The Board of Selectmen congratulated and thanked the boys on their accomplishment and fantastic team—they commented that the boys made the Town proud. The Board of Selectmen also thanked the coaches and parents for their dedication and support.

#### **THE VILLAGE MANOR, 427 SPRAGUE STREET, REQUEST FOR OUTSIDE ALCOHOL SERVICE (BERNIE'S RUN)**

Representing Village Manor was: Joe Gaffey, Owner

Mr. Gaffey informed the Board that the requested service area is as follows: Adjacent to the back door of the restaurant and in the back 1/3 of the restaurant's Parking Lot.

Mr. Dellolacono made a motion to approve the expended request for alcohol service outdoors, adjacent to the back door and in 1/3 of the Parking Lot of the Village Manor Restaurant; seconded by Ms. MacDonald. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; and Mr. MacDonald, yes. (Mr. MacDonald did not vote on this matter.)

### **REQUEST FOR LEGACY 5K ROAD RACE**

Representing the organizers was Jason Zagami, Solid Body Fitness.

Mr. Zagami informed the Board that he is planning a road race at Legacy Place on September 25, 2011. He went on to say that the race will start at the Whole Foods Store travel up towards COSTCO's to Rustcraft Road to Central Avenue and then loop around and return. Mr. Zagami informed the Board that the race is 3.1 miles and will last for one hour. Mr. Zagami informed the Board that he has spoken with Lt. Clifford Paschal, Dedham Police Department relative to his plans and will arrange to hire a three-person Police Detail.

Ms. MacDonald asked how many people will run in the race. Mr. Zagami informed her that presently, he has 40 people registered. Mr. Zagami went on to say that he does not have an exact count of people as yet. Mr. MacDonald asked if he plans on advertising the event. Mr. Zagami informed her that this is his first year organizing the event and he is not advertising; however, he plans on notifying all the residents who will be affected by the running of the race.

Mr. Dellolacono made a motion to approve the Legacy Road Race Route, September 25, 2011; seconded by Mr. Reynolds. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes.

### **REQUEST FRIENDS OF THE POOR WALK**

Representing organization was: Jay Johnson

Mr. Johnson has spoken with Lt. Clifford Paschal, Dedham Police Department, relative to the plans for the walk. The walk will take place on September 24, 2011, from St. Mary's Church Parking Lot to St. Suzanna's Church Parking Lot.

Ms. MacDonald made a motion to approve the Friends of the Poor Walk Route; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Ms. Macdonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes.

### **REQUEST FOR COMMON VICTUALLER'S LICENSE, PANDA EXPRESS, 166 PROVIDENCE HIGHWAY**

Representing Panda Express was: Bob Brownstein, Panda Express Real Estate Northeast

Mr. Brownstein introduced himself to the Board. He informed them that he lives and also works in Dallas, Texas. Additionally, he handles northeast real estate for Panda Express. Mr. Brownstein informed the Board that there are 600 stores nationwide. Additionally, the restaurants do not serve alcohol and they have a limited menu. Mr. Brownstein went on to say that owners of the company are a

husband and wife—there are no franchises. Mr. Brownstein informed the Board that Panda Express is very charitable and participate with numerous charities.

Ms. MacDonald made a motion to approve the Common Victualler's License for Panda Express; seconded by Mr. Dellolacono. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes.

At the conclusion of the vote, Mr. Butler asked Mr. Brownstein when the restaurant will be open to the public. Mr. Brownstein informed him—October, 2011. Mr. Brownstein asked the Board of Selectmen to inform him of local charities that Panda Express can get involved with going forward. The Board of Selectmen wished him good luck with their restaurant.

#### **REQUEST FOR BRUNCH PROVISION—MIT ENDICOTT HOUSE, 80 HAVEN STREET**

Representing MIT Endicott House was: Michael Fitzgerald, General Manager

Mr. Fitzgerald informed the Board that he was here this evening to request the Brunch Provision. Mr. Fitzgerald went on to say that this request came from their clients wishing alcohol service during brunch. Mr. Fitzgerald informed the Board that the MIT Endicott House has approximately twelve Brunches per year.

Ms. MacDonald made a motion to approve the Brunch Provision for MIT Endicott House; seconded by Mr. Reynolds. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes.

#### **STATEMENTS FROM COMMISSION ON DISABILITY CANDIDATES AND VOTE**

The Board of Selectmen heard statements of interest and qualification from applicants Joan Collins, Charles Papsadore and John Tocci. The Board thanked the applicants for their interest and for attending the meeting this evening.

Ms. MacDonald placed three names in nomination for the Commission on Disability appointment –Joan Collins, Charles Papsadore and John Tocci; seconded by Mr. Dellolacono. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes.

Appointment Vote: Paul Reynolds, John Tocci; Ms. MacDonald, John Tocci; Mr. Butler, Joan Connors; Mr. Dellolacono, John Tocci; and Mr. MacDonald, John Tocci.

Mr. MacDonald asked that thank you notes be sent out to Ms. Collins and Mr. Papsadore.

## **DISCUSSION RE: FACILITIES MANAGER'S POSITION**

Present for the discussion from the School Department were: Michael LaFrancesca, Asst. Supt. for Business; Kevin Coughlin and Mayanne Briggs, School Committee

William Keegan discussed with all the proposed Facilities Manager Job Description. He explained that a few positions became vacant and there was an opportunity now to merge resources to accommodate the Schools and Town with this new position. Mr. Keegan went on to say that the Schools and Town have a good working relationship—he highlighted the relationship relative to the ESCO Project. Mr. Keegan informed all that he would like to centralize this position with a person one who can manage resources.

Michael LaFrancesca added that discussions with the Town started approximately one year ago and specs were put together. Mr. LaFrancesca informed all that the School Committee supports this position and going forward it will be a value to the Schools and Town to have a professional maintain the properties. Mr. Coughlin added—the School Committee supports the new position 100%.

Ms. MacDonald was confident that the position will be filled with a really good person. However, she had concerns with that person reporting to two different Department Heads (Schools/Administrator). Mr. Butler commented that there will be a Matrix System. Ms. MacDonald asked how this person will be given direction. Mr. Keegan informed her that relative to the day-to-day operation, this person will report and be supervised by the Superintendent of Schools. He went on to say that the Schools and Town will set priorities together. Additionally, they will be able to centralize all maintenance functions and create a team approach going forward. Mr. LaFrancesca added that they have a program at the School Department to track utilities/maintenance—all equipment is on the program and input is frequently updated into the data base. Going forward they will have a better idea on what to budget due to the data.

Mr. LaFrancesca informed all that the Facilities Manager will report directly to him; however, the Facilities Manager will be a Department Head, keep the Town Administrator informed and attend meetings. Mr. Butler commented that there should be negotiations with the unions relative to custodians—Unit for the School and Unit for Town Hall. Mr. Dellolacono asked who will be purchasing. Mr. LaFrancesca informed him that purchasing is included in the Facilities Manager's Job Description and the person in this position will have to be MPPCO Certified. Mr. Dellolacono asked the oversight of recreational space. Mr. LaFrancesca informed him that the position will include the High School Football Field and Practice Field. Mr. Dellolacono further discussed the public perception relative to this position and was hopeful that there will be a savings once all is in place and the pertinent data is entered into the system. Mr. Dellolacono commented that there is a lot of money spent on vendors and, hopefully, this new position will be all about saving time and money going forward. Mr. Reynolds added that the Town will not be spending more, but will be spending smarter. He went on to say that facilities management is getting more complicated and computer driven.



Mr. Dellolacono commented on the car allowance. Mr. LaFrancesca informed him that they already have a vehicle. Additionally, this position is 24/7 and the Facilities Manager will have to get back to Town. Mr. Dellolacono did not approve of the expenditure for a vehicle.

Mr. MacDonald would like to see outside Facilities Managers aid in the search process/interviews. Mr. MacDonald went on to say that this position is important. Additionally, if this person does not have the correct staff in place, he/she will fail. Mr. MacDonald asked the timeframe to advertise for this position. Mr. LaFrancesca informed him as soon as possible. Once the Board of Selectmen give their approval relative to the position, he will go forward with the approval from the School Committee and then place the advertisement for the position. Mr. LaFrancesca added that the Job Description was reviewed by an outside consultant.

Mr. Dellolacono made a motion to approve the creation of a Facilities Manager's Position; seconded by Ms. MacDonald. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes.

### **DISCUSSION WITH DAVID FIELD, DIRECTOR OF ENGINEERING RE: DEDHAM SQUARE IMPROVEMENT PROJECT**

Also present were: Randy Collins and Darshan Jhaveri, Beta Group

Mr. Field discussed some specifics relative to change to parking and layout options. He also discussed parking meters, pay stations and equipment costs. Ms. MacDonald asked Mr. Field if he could provide her pictures of other vendors' Pay Station designs—she thought the design he presented this evening might not blend with the overall project. Mr. Dellolacono asked if the machines speak with each other. He was informed that the station is battery operated and payment can be made by cell phone, debit/credit card. Mr. Butler was impressed with the flexibility of the station and the fact that it can be programmed. He also thought it was good that payment could be made with a cell phone. Mr. Field informed all that Taxi Cab spots will be kept. Mr. Field informed all that all parking in Dedham Square during construction will be free. Mr. MacDonald added that they can start off free; however, if there is abuse, the charge will go back in place. Mr. Dellolacono asked if the funds from meter collections went into the General Fund. Mr. Keegan responded, yes.

Randy Collins and Darshan Jhaveri, Beta Group, commented on the crosswalk construction. Mr. Collins informed all that bricks will be installed in the same place as the State project—clay brick paver. He recommended pavers inside area —clay and blended red shades. Additionally, the same color in the crosswalk area with beveled edge and straight edge in the sidewalk area.

Mr. Dellolacono asked Mr. Collins if the beveled crosswalk met ADA Compliance. Mr. Field responded, yes. Mr. Keegan added that the Town of Reading recommended that Dedham not do stamped for project. Mr. Field added that the recommendation was for bevel crosswalk—flat for banding. Relative to the Automatic Pedestrian Signal—Mr. Field gave specifics. The audible machine speaks with timing when the Crosswalk Sign is on.

Mr. Field had discussion relative to the decision for project working hours and the importance of making those decisions before the project goes out to bid. Mr. Field discussed construction active time during the Christmas Holiday. Mr. Reynolds commented on the importance of sharing night/day construction work so that both not happen at the same time. Relative to the bid, Mr. Field commented that he would like to bid the project the way the Town would like to see it happen. Additionally, if the prices should come in over, he will have to come back to the Board.

Sue MacIntosh, Dedham Square Circle, asked to speak. Mr. MacDonald granted permission. Ms. MacIntosh hoped that the Board would take into consideration keeping the 10 Minute Parking Signs presently approved on Maple Place.

Mr. MacDonald thanked Mr. Field and Beta Group representative for coming in this evening to update the Board on the Dedham Square Construction Project

### **TOWN ADMINISTRATOR'S REPORT**

William Keegan, Town Administrator, discussed the following items—New Veteran's Agent, William Aitken; Dedham Square Improvement Project Communications Initiative; Health Insurance Reform; Solar Project; New Financial Software; National Night Out; and Summary of Rubbish and Recycling Costs. (A copy of Town Administrator's Report can be found on file in the Town Administrator's Office.)

### **Action by the Board**

**Request One-Day Wine and Beer License 375<sup>th</sup> Committee** – Mr. Dellolacono made a motion to approve a One-Day Beer and Wine License to the 375 Committee for Endicott Estate event September 10, 2011, with the condition Certified Alcohol Servers and Police Detail; seconded by Mr. Butler. **On the Vote:** Ms. MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. Macdonald, yes. (Mr. Reynolds did not vote on this matter.)

Ms. MacDonald made a motion to approve placement of 375<sup>th</sup> sign locations; seconded by Mr. Dellolacono. **On the Vote:** Ms. MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes. (Mr. Reynolds did not vote on this matter.)

**Request One-Day Wine and Beer License from Friends of Pool and Recreation**—Mr. Dellolacono made a motion to approve a One-Day Beer and Wine License to the Friends of Pool and Recreation for Dedham Day, September 25, 2011 with the condition Certified Alcohol Servers and Police Detail; seconded by Mr. Butler. **On the Vote:** Ms. MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes. (Mr. Reynolds did not vote on this matter.)

### **Selectmen's Appointment to the DPW & Parks and Recreation Study Committee**

Ms. MacDonald made a motion to appoint Selectman James MacDonald as the Board's representative on the DPW & Parks and Recreation Study Committee; seconded by Mr. Butler. **On the Vote:** Ms.

MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes. (Mr. Reynolds did not vote on this matter.)

**Request additional dates-- Still River Winery at Dedham Farmers' Market**

Mr. Butler made a motion to approve additional dates to Still River Winery at the Dedham Farmers' Market; seconded by Mr. Dellolacono. **On the Vote:** Ms. MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes. (Mr. Reynolds did not vote on this matter.)

**OLD/NEW BUSINESS**

Ms. MacDonald asked the Town Administrator to the Board with a status report relative to the Wine Gallery and Sagra Restaurant. Ms. Baker, Asst. Town Administrator, will ask Sgt. Buckley, Alcohol Officer to provide a report to the Board.

Ms. MacDonald reminded all that buttons are available at the Town Hall for the town-wide bash to be held at the Endicott Estate on September 10<sup>th</sup>.

Mr. Dellolacono asked that the Manager of Record, BJ's Wholesale Club, attend the Board's next meeting to discuss Liquor policies relative to the cage and neighborhood outreach.

Mr. Dellolacono asked Karen O'Connell, Economic Development Director, to do some outreach to owners and visit Rick's Pub, East Dedham and the Shell Station, Riverdale Section.

Ms. MacDonald made a motion to adjourn the meeting; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes.

The meeting adjourned at 10:50 p.m.

This is to certify that that above is a true and accurate record of the Minutes of the Selectmen's Meeting held on August 11, 2011, which Minutes were approved on March 22, 2012.

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James A. MacDonald, Chairman



